



FREDERICK COUNTY PLANNING COMMISSION

October 10, 2018

TITLE: Crown Rose Estate

FILE NUMBER: SP-16-12, AP #17085, (APFO #17086, FRO #17087, SWM #17136)

REQUEST: **Site Development Plan**

The Applicant is requesting Site Development Plan approval for a 'Facility for Functions' and a Country Inn (per Special Exception B-15-16), and a Farm Brewery/Winery Tasting Room on a 75.7-acre site pending listing on the National and County Registers of Historic Places.

PROJECT INFORMATION:

LOCATION: 1902 Jefferson Pike; Located on north side of MD 180 between Saint Marks Road and Petersville Road in Petersville

TAX MAP/PARCEL: Tax Map 83, Parcel 19

COMP. PLAN/LAND USE: Agricultural (A)

ZONE: Agricultural (A)

REGION: Brunswick

WATER/SEWER: NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Lehtonen Todd Arron Trustee & Brown-Lehtonen Tara Lynn Trustee

OWNER: - same -

ENGINEER: B&R Design Group

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

Attachments:

Exhibit #1 - Site Plan - Rendering

Exhibit #2 – Board of Appeals Special Exception Findings and Decision (B-16-18)

Exhibit #3 – Modification Requests - Parking and Approval of an Alternate Landscape Plan

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan approval for a 'Facility for Functions', a Country Inn, and a Farm Brewery/Winery Tasting Room on a 75.7-acre site pending listing on the National and County Registers of Historic Places, known as Crown Rose Estate (Oakland/Claggett Farmstead (MIHP#F-2-76; CR 16-01). The proposed development of this site as a Facility for Functions and a Country Inn is pursuant to a Special Exception approved December 15, 2016) by the Board of Zoning Appeals (B-16-18) with the following findings:

"Under Ordinance Section I-19-3.210(B) the Board finds:

1. The Board finds that the proposed use is consistent with the intent and purpose of the Comprehensive Development Plan and of the Zoning Ordinance, and that the Applicant's proposed use allows for the continued preservation and maintenance of the existing agricultural use on the Property, as well as its historic structures, including the main 'Classical Revival' house, stone dairy house, frame spring house, as well as a proposed future pavilion.
2. The Board finds that the nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located. The proposed use will occupy less than half of the existing acreage and the majority of the Property acreage will continue to be preserved and maintained as a working farm. Wedding receptions primarily will be held in or near the existing barn and manor house.
3. The Board finds that operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district. The Applicants indicate Property is primarily a farm and will continue to utilize the Property as an operating farm. Most events such as wedding receptions will take place near the barn or manor house to mitigate any potential impacts, such as noise, on neighboring property owners and use the natural buffering of the Property.
4. The Board finds that parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum safety.
5. The Board finds the road system providing access to the proposed use is adequate to serve the site for the intended use. The Board finds that issues regarding traffic and the existing road system will be analyzed, reviewed and addressed during the site development plan review phase of the Applicant's proposed use.

The Board finds that the Applicant testified events will typically be scheduled Friday through Sunday from the hours of 10am to 11pm, and will be no larger than 400 guests, likely averaging 190 guests. The Applicant plans to make the Inn available for use seven (7) days a week subject to demand. For all the foregoing reasons, Mr. Bowersox made a motion to grant the Applicant's request which was seconded by Mr. Miller. The Board of Appeals finds that the Applicant meets the requirements of Section 1-19-3.210 and 1-19-8.600, and therefore voted (4-1, Bell opposed)

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to grant the Applicant's request for a Special Exception to use a Historic Structure or Site for use as a Facility for Functions and Inn."

The Site of the proposed Facility for Functions is zoned Agricultural and is located on the north side of Jefferson Pike (MD 180) between Saint Marks Road and Petersville Road. The proposed Site Development Plan is subject to the approved special exception and reflects functions and activities generally expected to occur in the areas surrounding the historic home, a bank barn reconstructed in 1960 on a 19th century stone barn foundation, the tenant house, and several smaller outbuildings located in a roughly 6-acre area at the front and center of the property. Parking is proposed in the fields located east of the tenant house. The existing historic house will serve as a single-family residence, as well as a Country Inn as permitted under the Special Exception approval. The Country Inn is currently limited to six (6) guest rooms due to Health Department restrictions. A Country Inn may otherwise operate with up to eight (8) guest rooms in Frederick County.

The portion of the site that is proposed to be utilized for functions on the property is located 400 feet from Jefferson Pike and would be accessed via a widened, paved driveway which terminates south of the proposed Pavilion for Events (Phase 2) at the northern end of the field parking area. An existing looped private driveway serves the manor house while an existing utility driveway – also entering onto Jefferson Pike – would allow only for emergency access to the western portion of the site in the vicinity of the bank barn (facility venue) and farm brewery/winery/distillery tasting room to be located in an existing utility building between the manor house and bank barn. Improvements to the main driveway entrance onto Jefferson Pike will facilitate a safer entry and exit condition for vehicles entering and leaving the Site.

A 2,500 s.f. seasonal tent site is proposed for the area in front of the barn (lower level) facing Jefferson Pike and adjacent to the emergency driveway. This tent pad site is linked to the barn facility, the main house, and the handicap parking area through a series of proposed sidewalk links coordinated to allow for access in and around this planned activities area.

The project is phased to allow incremental growth in activity on the property. A phasing plan has been submitted as part of the site plan set (Sheet 3). Phases are delineated as follows:

Phase 1 – Facility for Functions including the bank barn event venue, the tent area, tasting room, and primary paved and field parking areas.

Phase 2 – Pavilion for Events (new 8,000 sf structure)

Phase 3 – Country Inn (6 guest rooms) & Seminar Rooms (Manor House, Tenant House)

Phase 4 – Proposed Seminar Building and Relocated Tasting Room (new 7,500 sf structure with adjoining patio, as approved under the Board of Appeals Special Exception B-16-18) and secondary paved and field parking areas.

Events will be limited to fewer than 400 attendees and will primarily occur Fridays through Sundays, between the hours of 10am and 11pm. The Applicant is limited to no more than 50 events per year during the peak hour of adjacent street traffic. The Country Inn will operate 7 days per week. Hours of operation for the Tasting Room are not specified in this application.

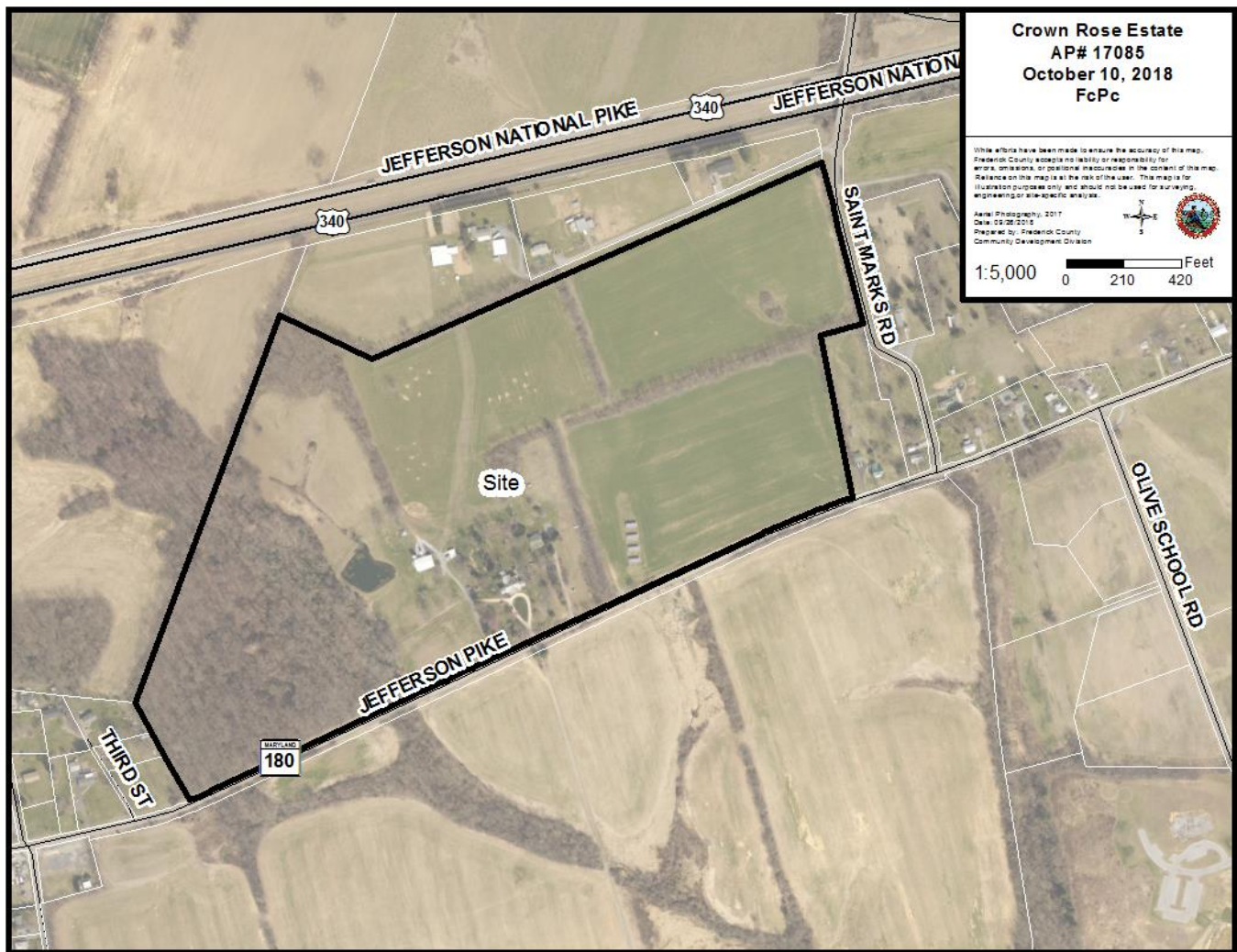


Figure 1 - Aerial Photo of of Crown Rose Estate (Oakland/Claggett Farmstead)

BACKGROUND

Development History

In December 2016 the Applicant was granted approval by the Board of Zoning Appeals for a Special Exception under Section 1-19-8.600 of the Zoning Ordinance which permits for "...the conversion of an existing historic structure or site into a restaurant, inn, antique shop, museum, information center, business or professional office, group home use, or a facility for functions such as seminars, festivals, cultural or social events, or other similar activities of historic interest...Such conversion shall not result in any substantial external alteration of the appearance of the historic structure or site." And, importantly, "Before the special exception can take effect, the historic structure or site must be listed on the Frederick County Register of Historic Places." The Board also granted a Special Exception to permit the operation of a Country Inn, utilizing the existing Manor House and Tenant House, both of which were constructed prior to 1977.

The issuance, by the Historic Preservation Commission in October 2016, of a formal recommendation that the historic site known as Oakland/Claggett Farmstead (also known recently as Crown Rose Estate) be listed on the County Register by the County Council, established the eligibility of the site for the Special Exception allowing a 'Facility for Functions'. This recommendation will be forwarded to the County Council for formal action. Listing on the County Register is a primary condition of the Special Exception approval and must be completed prior to the final approval (signature sets) of the Site Plan. The use of the property as a Country Inn is not linked to placement on the County Register, but is instead granted by the Board of Appeals via Section 1-19-3.210 of the Zoning Ordinance which permits this use as a Special Exception after Site Plan approval.

Once a property is listed on the County Register, any proposed changes to the exterior of a building or structure, (including any visible site improvements such as driveways, signage, or significant alteration of the landscape), must receive a Certificate of Appropriateness issued by the HPC. The HPC has reviewed elements of the current Site Plan application on an informal basis but cannot formally review the plan until such time as the property is listed on the County Register.

Additionally, a Rural Legacy Conservation Easement (through Maryland DNR) has been placed on the 76 acre property on March 27, 2013.

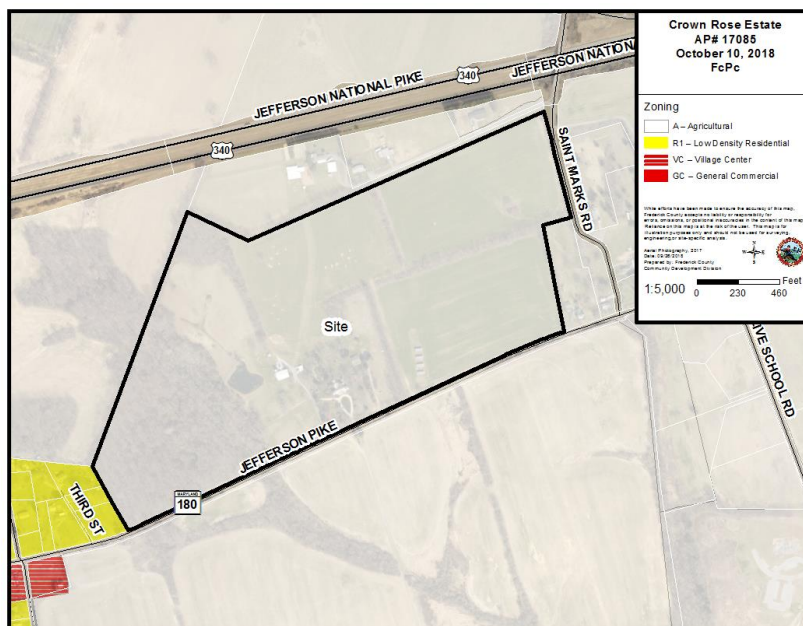


Figure 2 - Zoning Map of vicinity

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Existing Site Characteristics

The subject Site is an historic farm property in a predominantly rural and low-density residential neighborhood located east of the village of Petersville. Although the site is over 75 acres in size, the general area proposed for the event venue is limited to approximately 7 acres in size and is surrounded on three sides by agricultural land. US 340 is located approximately 350 feet north of the this parcel's northern boundary. The 215-acre farm immediately across the Jefferson Pike, to the south, is the site of the future Othello District Park, part of the County's regional network of active and passive recreational park facilities.

The existing Site is gently rolling with the cluster farmstead structures located on approximately 5 acres along Jefferson Pike. Agricultural fields are established primarily north and east of the farmstead, with the bank barn, a farm pond, and a forested stream valley occupying the western quarter of the site. Minimal regrading of small portions of the Site is anticipated with the development of the small paved parking area northeast of the tenant house. Regrading of the area slated for the Event Pavilion (Phase 2) and Seminar Building/Relocated Tasting Room (Phase 4) would be limited to the area immediately surrounding that 8,000 sf structure. Most of the existing landscaping material in the immediate vicinity of the activity site will remain after construction of the widened and improved gravel driveway, the new driveway entrance, and the parking field.



Figure 3 - View of the manor house (south/front façade)

Surrounding land uses include (see Figure 3):

North – The area adjacent to the property on the north includes three homes, small farm operations, and US 340.

West – Areas to the west are predominantly agricultural, however the property touches the far eastern edge of the small village of Petersville which includes approximately 50 homes and businesses.

South – Agricultural fields and forested areas are located On the south side of Jefferson Pike. A county district park (Othello Park) is planned for 214 acres directly across from the Crown Rose site.

East – The eastern edge of the Site share a boundary with single-family home, and St. Mark's church and cemetery..



Figure 4 - Aerial view of the property and surrounding landscape (view toward north).

ANALYSIS

Summary of Development Standards Findings and Conclusions

Key issues of the proposed development include:

- Compliance with site plan standards as a County Register historic site
- Providing adequate and safe vehicle access to and within the Site
- Providing any necessary alterations or improvements to the Site due to its adaptive re-use
- Managing the site impacts of multiple uses in multiple structures



View of the farmstead cluster including the bank barn, manor house, and tenant house.

Detailed Analysis of Findings and Conclusions

The proposed uses are being reviewed as;

1. A “facility for functions” as permitted under §1-19-8.600- Historic Structures or Sites, which is a permitted use subject to Board of Appeals approval, Historic Preservation Commission approval, and site development plan approval.
2. A Country Inn as permitted under §1-19-5.310 (Use Table) and §1-19-8.333 in the Zoning Ordinance which is a special exception use in the Agricultural Zoning District, subject to Board of Appeals approval and site development plan approval.
3. A “Farm Tasting Room” is proposed, but the Applicant has not identified the type of tasting room. §1-19-5.310 (Use Table) in the Zoning Ordinance permits three types of tasting rooms:
 - a. Farm Brewery Tasting Room: Permitted with site plan approval.
 - b. Farm Distillery Tasting Room: Permitted with site plan approval.
 - c. Farm Winery Tasting Room: Permitted with site plan approval.

All three types of tasting rooms are limited to the tasting of alcoholic beverages that are made on the farm with products that are grown on the farm. A Zoning Certificate is required prior to applying for building permit to verify that these conditions are met.

Site Development Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards:** The Zoning Ordinance provides setback requirements in the Agricultural District which are easily satisfied in this Site Plan application since the activities are occurring in a relatively limited area of a large agricultural parcel. Standards shown below are for the existing residential structure.

The Applicant is proposing to meet the established setback requirements generally summarized as follows:

<u>Residential</u>	<u>Required</u>	<u>Provided</u>
Front Yard (SFD/Country Inn):	40 ft	> 164 ft
Side Yards:	10 ft	> 1,280 ft
Rear Yards:	30 ft	> 941 ft

<u>Other Uses</u>	<u>Required</u>	<u>Provided</u>
Front Yard (Bank Barn):	40 ft	> 383 ft
Side Yards (Seminar Building):	50 ft	> 828 ft
Rear Yards (Pavilion):	50 ft	> 526 ft

Maximum Building Height (A District):	30 ft
Maximum Building Height Proposed (manor house):	29 ft (tallest structure on site)
Maximum Building Height Proposed (Existing bank barn):	26 ft

No height was provided for the proposed 'Pavilion for Events'. The Applicant must provide maximum height of Pavilion. Otherwise, the Site Plan is compliant with all dimensional standards in the Zoning Ordinance.

2. **Signage §1-19-6.300:** The Applicant acknowledges signage allocations as follows:

Permitted signage (business identification in the A District): 25 sf
Maximum sign height: 15 feet

Proposed signage (maximum): Not Provided

Specific compliance with the sign regulations will be reviewed prior to signature set submittal by the Applicant. The existing sign/s currently installed at the site must be permitted and demonstrated to be compliant with the Zoning Ordinance or removed prior to final approval of this Site Plan.

3. **Landscaping §1-19-6.400:** The Zoning Ordinance requires street trees, buffering of and screening between land uses and parking areas, and parking area plantings to achieve a 20% canopy coverage. The frontage of the portion of the property being reviewed for the proposed uses is approximately 900 feet, which would generate the need for 26 street trees. The majority

of the parking is grass, which reduces the need for screening or canopy coverage. The Applicant proposes additional landscape plantings – two Red Maple trees to provide canopy cover - in conjunction with the development of the limited paved parking area northeast of the Tenant House. The proposed plan maintains existing forested areas and much of the other vegetation (including 12 noted specimen trees and multiple mature hedgerows) on the property. The street frontage of the site has a significant number of existing trees and mature shrubs, and Staff believes these are sufficient for meeting the intent of the street tree requirements. The Historic Preservation Commission has encouraged similar vegetation plans finding that the limited approach regarding vegetation along the roadway and surrounding the farm building cluster serves to maintain the existing agricultural character of an historic farmstead site. The Applicant has submitted a request seeking approval by the Planning Commission of an alternate landscape plan to document this approach to meeting the site plan standards as well as the standards for the rehabilitation and maintenance of the historic site which will be listed on the National and County Registers of Historic Places.

Staff finds that the alternate landscape plan as presented is consistent with the intent of the Historic Preservation Commission efforts to maintain historic landscapes, provides for the maintenance of existing planted hedgerows and large trees on the property which serve functionally to disrupt views of parking areas and the proposed pavilion, and therefore meets the requirements of the Zoning Ordinance.



Figure 5- View to the west along Jefferson Pike in front of the Crown Rose site.



Figure 6 - View to east along Jefferson Pike from the far western side of the Site.

4. **Lighting §1-19-6.500:** Permanent outdoor lighting is provided via building-mounted fixtures where required by the building code. As provided in the Zoning Ordinance, lighting provided for emergency or safety purposes as required by building or electrical code is exempt from ordinance standards. Other site lighting – in the parking areas, at the tent, or along pathways – will be temporary in nature. A note has been added to the Site Plan indicating that lighting levels at the property boundaries shall not exceed 0.5 footcandles in intensity and that lighting shall be directed downward onto the site to prevent light trespass onto adjacent properties, roadways, and the nighttime sky.

Staff finds the proposed lighting will be consistent with the requirements of the Zoning Ordinance, subject to verifying the height and intensity of the temporary lighting.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** Vehicular access to the Site is provided via a single proposed, improved

driveway with an access onto Jefferson Pike, located approximately 200 feet southeast of the building cluster that will serve as the facility for functions, country inn, and tasting room. The location of this existing drive provides a direct access point to the venue while making use of an existing and known property entrance. The new entrance – approved by SHA - will be modified to meet commercial driveway standards and improve sight distance for drivers. With the development of Othello District Park across the road, the Applicant, Frederick County, and SHA coordinated the review and design of each entrance to maximize efficiency and safety for users of both sites as well as for travelers on Jefferson Pike.



Figure 5 - View of the Crown Rose site looking toward the south. The primary activity areas fall within the yellow circle below MD 180. The large agricultural parcel at the top of this image is the future site of Othello District Park.

3. **Parking:** Parking for the proposed facility for functions is provided in a single grass field measuring approximately 34,000 sf (0.77 acres) in size. This parking area will remain unpaved and unmarked and is identified on the Site Plan to demonstrate that sufficient parking space is available to meet the minimum requirement of the Zoning Ordinance. The parking spaces provided include the grass field parking area as well as the paved parking spaces provided at the driveway turnaround and handicap parking area.

Parking Requirements

Facility for Functions- Required - @ 1 space per 4 seats (maximum # guests = 400): 100 spaces*

Tasting Room (Phase 1) – 1 space per 50 sf customer service area = 9 spaces**

Country Inn (6 rooms, dining room, staff parking) = 16 spaces

Total Required (Phases 1-3): 125 spaces

Total Provided:

Phases 1-3: Area sufficient to provide 91 spaces including adequate circulation aisles.

Phase 4: Area sufficient to provide 122 spaces including adequate circulation aisles.

* [Parking calculation uses the category of 'Theater, outdoor or indoor stage, and similar uses']

**[The Relocated Tasting Room would require additional parking if the customer service area is increased]

Staff has worked with the Applicant to ensure that the parking standards are satisfied while also considering the visual impact on the historic site. The Historic Preservation Commission (HPC), in its reviews of similar plans, has been satisfied that the parking field option provides a low impact solution to the parking requirement while minimizing the degradation of a site's historic integrity. The location of the parking area – northeast of the tenant house – is a direct response to the HPC's request in similar plans that parking areas be sufficiently segregated from the cluster of structures which form the core of an historic farmstead and be located in such a way as to minimize visual impacts upon contributing historic resources. A mix of paved impervious surface parking, pervious pavement, and field parking contribute to the total parking area provided in this application.

The Applicant has requested a parking modification to provide 91 spaces (majority unpaved field spaces) where 125 parking spaces are targeted (see modification request attached as Exhibit # 3). With little or no potential overlap in various uses and activities at the Site, Staff is confident that the parking areas proposed for this property are sufficient to handle the demand.

Loading Requirements

Required - 1 large or 2 small spaces (misc. commercial uses not listed in Section 1-19-6.210(B) > 5,000 sf)

Provided - 2 small spaces (located adjacent to the existing garage near the proposed Tasting Room and Bank Barn)

The location of the proposed loading spaces serves the primary event activity areas on the Site: the Facility Venue (bank barn), seasonal tent pad, and Tasting Room (Phase 1). These loading spaces provide service providers with ready access to the site at a location convenient to meet most of the needs of the operation including caterers, musicians, furniture rental businesses, etc. The site of the proposed Pavilion, cannot be conveniently served by these loading spaces but may be served quite readily by the portion of the new drive at its terminus near the handicap parking spaces northeast of the tenant house. A small loading space should be designated in this area on the final Site Plan.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Due to the rural nature of the site, as well as the insular character of the proposed use, pedestrian circulation has been designed to accommodate movement within a limited area in the vicinity of the bank barn, manor house, tasting room, tenant house, and proposed pavilion. Movement between the parking areas and the areas designated for event activities is planned to occur over new paved routes (materials to be approved by the HPC) through existing mowed fields, and along the new gravel drive. For visitors with mobility constraints, the main pathways will suffice for movement between hard-surfaced parking spaces and the activity hubs on the property. The Applicant will utilize on-site staff to guide vehicles and pedestrians safely within the Site during planned events.
5. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required for this proposed use and no bicycle parking has been provided.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The Site is designated 'No Planned Service' for both public water and public sewer service in the Frederick County Water and Sewer Plan. The Health Department has conditionally approved the proposed Plan. The Site will be served by on-site well and septic facilities approved by the Health Department.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Natural Features:** This application includes adaptive reuse of existing structures as well as proposed new development activity in an upland area while avoiding significant disturbance of any natural features on this agricultural property. The property has been actively farmed for more than two centuries and much of the proposed construction activity is set to occur in previously-developed (farmed) land areas or in existing buildings. Flooding soils exist on the property, however these resources are located within the forested area along the western portion of the parcel – outside of the site plan area - and will not be impacted by the proposed development. A Rural Legacy Conservation Easement has been placed on the entirety of the parcel.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area/Open Space:** No public common areas are proposed in this Site Plan application.

Other Applicable Regulations

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

Roads: This development typically generates less than 6 trips during the peak hour of the adjacent street and those larger events that may impact the adjacent roadway during the weekday pm peak period are limited and not permitted to occur on a regular basis as restricted on the site plan. Therefore the development is exempt from contribution to existing area road escrow accounts as denoted in Section 1-20-12(H) of the APFO

Schools: As a non-residential use, the proposed use does not generate any students and is therefore exempt.

Water and Sewer: The Site is designated as NPS, No Planned Service, in the County's Water and Sewer Plan. No connection to a public water or sewer system is proposed.

Forest Resource Ordinance (FRO) – Chapter 1-21

The Combined Preliminary/Final Forest Conservation Plan was approved on May 4, 2018. FRO mitigation must be provided through the purchase of banking credits prior to applying for grading or

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building permits.

Stormwater Management (SWM) – Chapter 1-15

A Stormwater Management concept plan (AP#17136) has been submitted and reviewed by Staff. Final review will be conducted upon site development plan approval .

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the proposed application meets the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Conditionally Approved
<i>Development Review Planning:</i>	Hold
<i>State Highway Administration (SHA):</i>	Approved
<i>Historic Preservation</i>	Conditionally Approved
<i>Forest Resource (FRO)</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>Street Naming</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>APFO</i>	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the proposed Crown Rose Estate site development plan for the proposed Facility for Functions, Country Inn, and Farm Winery/Brewery/Distillery Tasting Room. If the Planning Commission conditionally approves the plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through October 10, 2021).

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Staff-proposed conditions of approval:

1. The Site Development Plan approval is subject to the Board of Appeals findings and decisions for B-16-18 adopted December 15, 2016.

2. Specific compliance with the sign regulations will be reviewed prior to signature set submittal by the Applicant. The existing sign/s currently installed at the site must be permitted and demonstrated to be compliant with the Zoning Ordinance or removed prior to final approval of this Site Plan.
3. The property must be listed on the Frederick County Register of Historic Places prior to final Site Plan approval.
4. The proposed Farm Winery/Brewery/Distillery Tasting Room cannot be established until a zoning certificate is obtained prior to initiation of the processing operation and/or the issuance of any building permits related to the farm winery, farm brewery, farm distillery, or tasting room.
5. Ensure that there is vehicular access into the adjacent field located on the east side of the north-south hedgerow to facilitate overflow field parking as a result of Phase 1 uses.
6. Identify a minimum of one (1) small loading space near the proposed Pavilion structure.
7. Address all agency comments as the plan proceeds through completion.
8. Specify the height of the proposed pavilion on the site plan.
9. Provide native shade trees in the area between the tenant house and the proposed pavilion building to provide some canopy coverage over the paved parking area.
10. Provide details for the proposed temporary lighting, including when this lighting will be used and removed and the height of illumination.

Planning Commission approval of the following modification requests from the Applicant:

1. Planning Commission approval of the alternate landscape plan as requested by the Applicant to utilize the existing trees and mature shrubs along Jefferson Pike to meet the street tree requirement where twenty-six (26) are required by the Zoning Ordinance.
2. Planning Commission approval of the parking space modification to permit the provision of 91 spaces (plus overflow parking field areas located north of the existing solar panels) at Phases 1-3, and 122 spaces at Phase 4, where 125 spaces are targeted by the Ordinance. The overflow parking field must be shown on the final approved Site Plan.

PLANNING COMMISSION ACTION

MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission **APPROVE Site Development Plan SP-16-12** (AP 17085) **with conditions and modifications** as listed in the staff report for the proposed Crown Rose Estate 'Facility for Functions', Country Inn, and Farm Tasting Room based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1: Site Plan Rendering

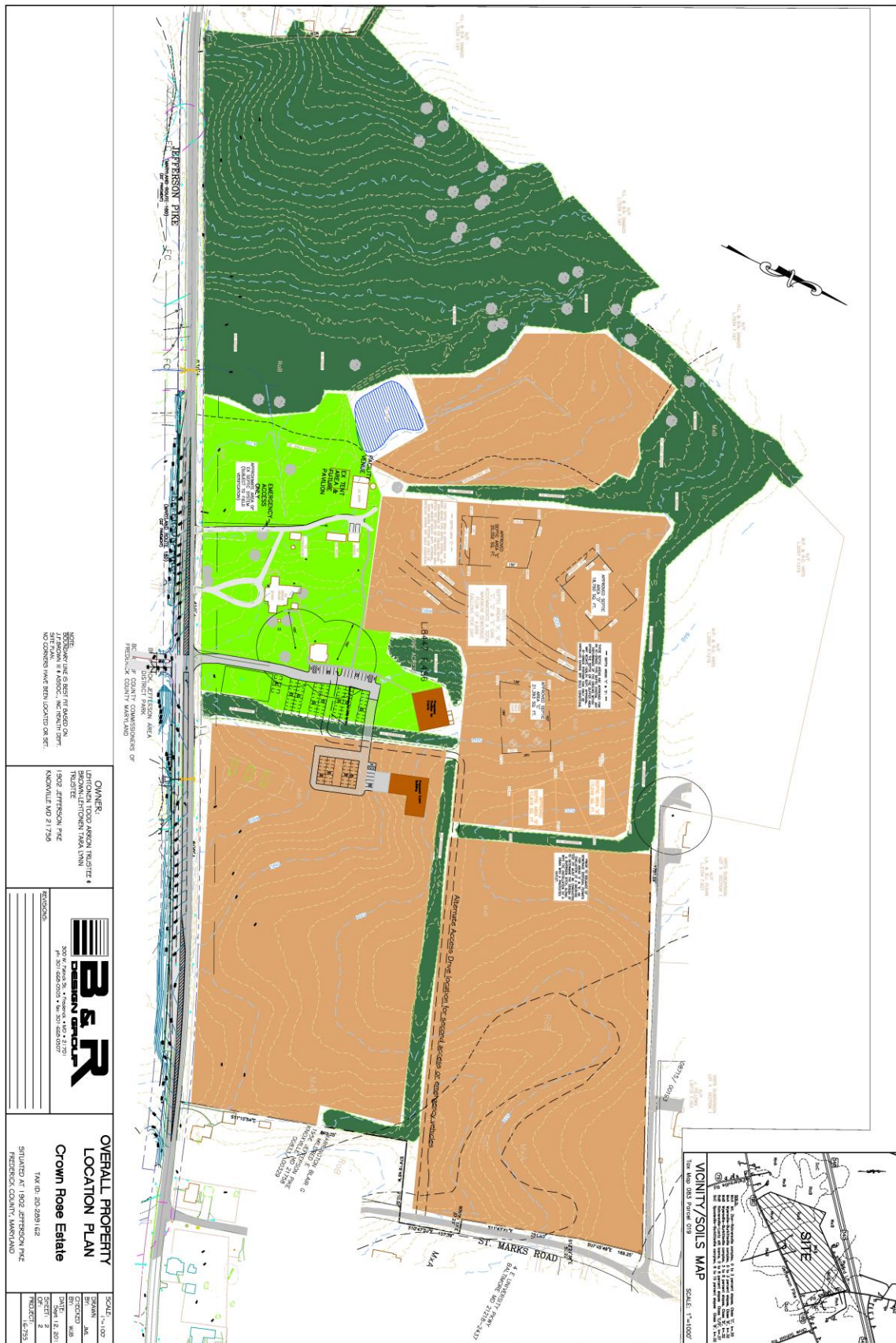


Exhibit 2: Special Exception Findings & Decision for Crown Rose Estate, B-16-18

IN MATTER OF:
Crown Rose Estate
as represented by
Andrew DiPasquale, Esq.

Before the Board of Appeals
for Frederick County MD
Case No. B-16-18

* * * * *

FINDINGS AND DECISIONS

This matter comes before the Board on the application of Crown Rose Estate, Todd and Tara Lynn Lehtonen, as represented by Andrew DiPasquale, Esq. and Bill Brennan (hereinafter "Applicant") for a Special Exception as provided for in the Frederick County Zoning Ordinance (hereinafter "Ordinance"). The property (hereinafter "Property") for which the Special Exception is requested is located at 1902 Jefferson Pike, Knoxville, MD 21758 and is further identified as Tax Map 83, Parcel 19 and Tax Identification #12-289162. The Property is currently zoned Agricultural (AG), and contains a total of approximately 75 acres. The Applicant seeks a Special Exception under Ordinance Sections 1-19-3.210 and 1-19-8.600 to use a Historic Structure or Site as a Facility for Functions and Inn.

Under Ordinance Section 1-19-3.210(A) the Board finds that the Applicant has demonstrated a financial, contractual, or proprietary interest in the Property.

Under Ordinance Section 1-19-3.210(B) the Board finds:

1. The Board finds that the proposed use is consistent with the intent and purpose of the Comprehensive Development Plan and of the Zoning Ordinance, and that the Applicant's proposed use allows for the continued preservation and maintenance of the existing agricultural use on the Property, as well as its historic structures, including the main 'Classical Revival' house, stone dairy house, frame spring house, as well as a proposed future pavilion.
2. The Board finds that the nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located. The proposed use will occupy less than half of the existing acreage and the majority of the Property acreage will continue to be preserved and maintained as a working farm. Wedding receptions primarily will be held in or near the existing barn and manor house.
3. The Board finds that operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district. The Applicants indicate Property is primarily a farm and will continue to utilize the Property as an operating farm. Most events such as wedding receptions will take place near the barn or manor house to mitigate any potential impacts, such as noise, on neighboring property owners and use the natural buffering of the Property.

4. The Board finds that parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum safety.

5. The Board finds the road system providing access to the proposed use is adequate to serve the site for the intended use. The Board finds that issues regarding traffic and the existing road system will be analyzed, reviewed and addressed during the site development plan review phase of the Applicant's proposed use.

The Board finds that the Applicant testified events will typically be scheduled Friday through Sunday from the hours of 10am to 11pm, and will be no larger than 400 guests, likely averaging 190 guests. The Applicant plans to make the Inn available for use seven (7) days a week subject to demand.

The Board heard testimony from one witnesses that spoke in favor of the Applicant's proposal. There was no opposition testimony.

The Board received Applicant's Exhibit #1, which included a map of supporting neighbors, list of supporters, and various letters and emails of support.

The Applicant is bound by all exhibits and testimony.

The Board conducted an onsite inspection of the Property on October 19, 2016.

The Board held a public hearing on the requested Special Exception on October 27, 2016 and November 17, 2016.

On October 27, 2016 the Applicant requested a continuance. On a motion from Mr. Bowersox, which was seconded by Mr. Conard, the Board voted unanimously (5-0) to continue Applicant's case to the November 17, 2016 hearing date.

For all the foregoing reasons, Mr. Bowersox made a motion to grant the Applicant's request which was seconded by Mr. Miller. The Board of Appeals finds that the Applicant meets the requirements of Section 1-19-3.210 and 1-19-8.600, and therefore voted (4-1, Bell opposed) to grant the Applicant's request for a Special Exception to use a Historic Structure or Site for use as a Facility for Functions and Inn.

Adopted by the Board of Appeals on the 15th day of DECEMBER, 2016.



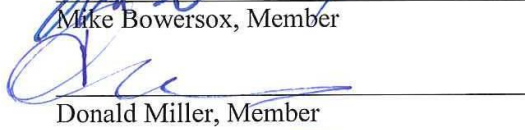
John Greenwell, Chair



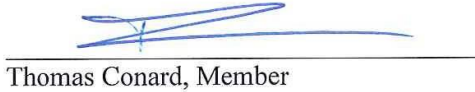
Earl Bell, Vice-Chair



Mike Bowersox, Member



Donald Miller, Member



Thomas Conard, Member

Ordinance Section 1-19-3.210 (I)

A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

Exhibit 3 –Modification Requests



300 West Patrick St. • Frederick • Maryland • 21701 • Phone: (301) 668-0505 • Fax: (301) 668-0507

October 02, 2018

Mr. Denis Superczynski
Planning and Permitting
32 N. Market St.
Frederick, MD. 21701

Subject: Crown Rose Estates, SP 16-12
Parking Modification
B & R No. 16-755

Dear Denis:


On behalf of the applicants, Todd & Tara Lehtonen, we respectfully request the Planning Commission's approval of the following proposed modification to the requirements of Section 1-19-6.220 entitled 'Parking Space requirements and Dimensions'

Modification Requested – Parking modification to grant a decrease in the number of parking spaces under section 1-19-6.220 (A)(2).

This request for a decrease in parking spaces, which is a technical modification, because the majority of the parking spaces are located within grass areas except for the parking requirements for the Country Inn, the ADA parking areas and the required loading areas. The required parking for this type of facility is based on one space for every four persons in attendance. This guideline requires 48 spaces for an average 198 person event and 100 spaces for a 400 person event. The parking layout shown on the site plan indicates that the applicant is providing 16 paved parking spaces and approximately 75 spaces located on the existing lawn area near the Manor House. The parking area will be staffed during the events to direct the guest to the correct locations and allow for an orderly parking configuration.

Thank you for your consideration of this request, which supports the permitted use of the property.

Sincerely,


William J. Brennan, Jr.
B & R Design Group



300 West Patrick St. • Frederick • Maryland • 21701 • Phone: (301) 668-0505 • Fax: (301) 668-0507

October 01, 2018

Mr. Denis Superczynski
Planning and Permitting
32 N. Market St.
Frederick, MD. 21701

Subject: Crown Rose Estates, SP 16-12
B & R No. 16-755

Dear Denis:

On behalf of the applicants, Todd & Tara Lehtonen, we respectfully request the Planning Commission's approval of a proposed modification for the planting of Street Trees as listed under requirements of section 1-19-6.400 entitled 'Landscaping and Screening' for the Site Plan application.

Modification Requested – Street Tree plantings and Parking area buffering.

The applicant is requesting the Planning Commission to allow for an alternative landscaping plan for the project. The alternate design would not replace the existing hedge row along St. Marks Road while preserving the existing trees and vegetation and would reduce impact to the farms existing agricultural production fields, which is permitted under section 1-19-6.400(A)(c) and (F).

The proposed events under phase one will be located within the existing barn complex located near the center of the property and has front buffer yard in excess of 380 feet. The proposed parking areas have been located to the easterly portion of the property to lessen the visual impact on the Manor House and is screened by an existing hedgerow that separates the residential area from the agricultural fields as permitted under section 1-19-6.400(F).

The applicants have also presented the project to the Historic Preservation Commission. The Commission's has provided guidance and one of the recommendations was to preserve the site's view sheds and to be sensitive to the historical configuration of the agricultural fields and hedgerows. The applicants believe that the requirement to preserve the existing vegetation configuration meet the requirements of section 1-19-6.400(F), which states the 'Existing vegetation may be used to meet the requirements in this section.'

Thank you for your consideration of this request, which supports the permitted use of the property.

Sincerely,

William J. Brennan, Jr.
B & R Design Group